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AUG 31 2007

Application No. 10/563,566
Docket Nos. 187287/US**REMARKS**

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendments, claims 23-36 are pending in the application, with claims 23 being the independent claim. Claims 1-22 have been canceled without prejudice or disclaimer. Support for the subject matter of the amended claims is contained in the application as originally filed. Because the foregoing changes introduce no new matter, their entry is respectfully requested.

Information Disclosure Statement

An Information Disclosure Statement citing GB 2385846 is filed concurrently herewith.

Objections to the Drawings

The Examiner made objections to the drawings because reference numerals 23, 24 and 28 were not specifically mentioned in the description. The attached REPLACEMENT SHEET include revised FIGS. 4 and 5 from which said reference numerals have been removed. The revision to these figures is believed to overcome the Examiner's objection.

Claim Objections

Applicants respectfully submit that the Examiner's objection to claim 17 is rendered moot by the cancellation thereof.

Rejections under 35 U.S.C. § 101

Applicants respectfully submit that the Examiner's rejections of claims 15, 16 and 18-21 under 35 U.S.C. § 101 have been rendered moot by the cancellation thereof.

Rejections under 35 U.S.C. § 112

Applicants respectfully submit that the Examiner's rejections of claims 1-21 under 35 U.S.C. § 112 have been rendered moot by the cancellation thereof.

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AMENDMENT AND REPLY

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Rejections under 35 U.S.C. § 102 and 103***Claims 1-22***

The Examiner has rejected claims 1-22 under 35 U.S.C. § 102 and 103 as being anticipated by, or unpatentable over U.S. Patent No. 7,155,306 to Haitin et al. ("Haitin"), alone or in combination with U.S. Patent No. 5,593,390 to Castellano ("Castellano"). Applicants respectfully submit that the Examiners rejections of claims 1-21 under 35 U.S.C. § 102 and 103 have been rendered moot by the cancellation thereof.

New Claims 23-36

Applicants respectfully submit that new claims 23-36 are allowable over the cited art of record. New claims 23-36 are directed to the formulation of cancelled claim 17.

The Examiner considered previously pending claims 1-21 to lack novelty in light of Haitin. With reference to new claims 23-36, Haitin fails to disclose formulations that are presented in a format such that (1) a patient's access to the formulation is controlled, and (2) the patient's access to the formulation is monitored in real time, and (3) such that the control over the patient's usage of the formulation does not require the supervision of a healthcare professional at the time of administration. The medicine cabinet system described by Haitin is intended for use by a health care attendant and clearly does not encompass the subject-matter of new claim 23, which specifically sets forth that the control over the patient's usage of the formulation *does not require* the supervision of a healthcare professional at the time of administration.

Applicants respectfully submit that the new claims are not directed to the subject matter of cancelled claim 22. As such, the issue of whether Castellano discloses a particular kit of parts has been rendered moot.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner

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reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-0310 (Order No. 187287/US).

Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,

Date: August 30, 2007By: Victor E. Johnson, Reg. No. 41,546
Filed Under 37 C.F.R. § 1.34

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